

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 11, 2008 in Room 313-S of the Capitol.

All members were present except:

Representative Joe Patton - Excused
Representative Jim Ward - Excused
Representative Kevin Yoder - Excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Kathy Olsen, Kansas Bankers Association
Patricia Biggs, Kansas Parole Board
Helen Pedigo, Kansas Sentencing Commission

The hearing on **SB 467 - manufactured housing, filing of security notice**, was opened.

Kathy Olsen, appeared before the committee in support of the bill which would increase the amount of time from 10 days to 30 days after the sale or delivery of manufactured home for a owner to file a notice of security interest with the Department of Revenue. (Attachment #1)

Written testimony, in support of the bill, was provided by the Kansas Manufactured Housing Association. (Attachment #2)

The hearing on **SB 467** was closed.

The hearing **SB 411 - factors affecting inmate's suitability for parole**, was opened.

Patricia Biggs, Kansas Parole Board, explained that the bill would add two factors to list of seven the Parole Board can consider when determining if an offender is suitable for parole. These factors are:

1. Risk factors revealed by any risk assessment of the inmate.
2. Any recommendation by staff of the facility where the inmate is incarcerated.

She stated that while these two factors are not currently required by statute, they already consider them.

She commented that the interim committee recommended an additional factor, that being proportionality. Proportionality of the time the inmate has served as compared to the sentence a person would receive under the guidelines for the same conduct that resulted in the inmate's incarceration. The Senate struck that provision because of the concern of possible lawsuits. (Attachment #3)

Chairman O'Neal stated that it was the intent of the interim committee recommendations to allow the parole board the flexibility to determine who grants parole. The legislature wants to put inmates in the position where they have hope once they get out of prison.

The hearing on **SB 411** was closed.

The hearing on **SB 418 - Kansas sentencing commission; duty to annually produce official juvenile correctional facility population projections**, was opened.

Helen Pedigo, Kansas Sentencing Commission, appeared before the committee as a proponent of the bill. She explained that the bill would require them to annually provide projections for the juvenile correctional facility population, as currently is being done with the adult population. Currently, they do this through a contractual agreement with the Juvenile Justice Authority (JJA). An additional \$50,000 would be needed to implement the bill. This is the same amount that JJA is currently paying Kansas Sentencing Commission.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on March 11, 2008 in Room 313-S of the Capitol.

(Attachment #4)

The hearing on **SB 418** was closed.

The hearing on **SB 419 - criminal procedure; form and consent journal entry**, was opened.

Helen Pedigo, Kansas Sentencing Commission, stated that the bill is basically technical amendments to the journal entry system. It strikes the requirement to identify the name and residence of the judge presiding at a preliminary hearing, trial, and any witness sworn to testify at trial. It also strikes that if a sentence is increased because the defendant has previously been convicted of one or more felonies, the journal entry would no longer be required to include a statement of prior convictions. (Attachment #5)

The committee meeting adjourned at 5:00 p.m. The next meeting was scheduled for March 12, 2008.